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C O N F I D E N T I A L SECTION 01 OF 02 HARARE 000568

SIPDIS

NSC FOR SENIOR AFRICA DIRECTOR J. FRAZER
LONDON FOR C. GURNEY
PARIS FOR C. NEARY
NAIROBI FOR T. PFLAUMER

E.O. 12958: DECL: 03/18/2013

TAGS: [PGOV](#) [PHUM](#) [Z1](#)

SUBJECT: GOOD BYE ARI, HELLO TARA: TSVANGIRAI TRIAL PART V

REF: A. HARARE 484

[1](#)B. HARARE 360

[1](#)C. HARARE 313

[1](#)D. HARARE 259

Classified By: POLITICAL OFFICER KIMBERLY JEMISON FOR REASONS 1.5 B & D

Summary

[1](#)1. (C) The treason trial of Movement for Democratic Change (MDC) officials Morgan Tsvangirai, Welshman Ncube, and Renson Gasela, which entered its fifth week on March 10, took a step forward with the completion of the questioning of Ari Ben-Menashe, the state's star witness. The pace of the trial quickened considerably once the next witness, Ben-Menashe's personal assistant, Tara Thomas, took the stand. At first, her testimony seemed to favor the prosecution's case, but by week's end it was difficult to tell which side was benefiting from her testimony. End Summary.

No More Ben-Menashe

[1](#)2. (U) On March 11, lead defense attorney George Bizos, Deputy Attorney General Bharat Patel, and Presiding Judge Garwe completed their questioning of the state's star witness, Ari Ben-Menashe. Bizos completed his cross-examination on March 10, after asking Ben-Menashe final questions about Dickens and Madson,s (D&M) amateurish production of the videotape, requesting the original videotape and some faxes, and objecting to Ben-Menashe leaving the court without first submitting these pieces of evidence. Patel began the re-direct examination on March 10 with questions about Ben-Menashe,s educational and professional background, clearly trying to prove the witness's competence to manage a political consulting firm. He finished on March 11 asking questions about passages on the videotape, the affidavit Ben-Menashe gave to the police, Foreign Agents Registration Act registration, and what D&M would be expected to do if hired by the MDC.

Witness Number 2: Tara Thomas

[1](#)3. (U) On March 11, the state called its next witness, Tara Thomas, personal assistant to Ben-Menashe. Thomas appeared to be a much better witness than Ben-Menashe. She was relaxed and respectful to the court, unlike Ben-Menashe. During the direct examination, Thomas seemed composed and tried to be as specific in her details as possible, although she did often confused testimony several times. Patel asked Thomas about the audiotaped meeting with Tsvangirai in England and the transcript of the meeting. Patel went over the second transcript of the Montreal meeting with her and also reviewed the videotape.

[1](#)4. (U) On March 12, the defense brought a motion before the judge to have Thomas view the videotape using a clean transcript rather than the annotated one she had been using, which appeared to have been guiding her testimony. Garwe upheld the defense objection and the prosecution had to find a clean copy. Patel asked her several speculative questions about what she thought Alexander Legault, his business partner, Ben-Menashe, and Morgan Tsvangirai were thinking or meant to say. Bizos objected that the witness could not possibly know what the various speakers were thinking, but his objections were overruled. Thomas confirmed that the transcript was not accurate because they could not understand everything on the tape.

[1](#)5. (U) On March 14, the defense began its cross examination. During the cross-examination, Thomas contradicted some of the evidence that had been given by Ben-Menashe. Thomas confirmed that a signed agreement between the MDC and

Ben-Menashe was legitimate, contrary to Ben-Menashe,s testimony, and she contradicted Ben-Menashe on the number of employees at D&M and what they do.

Interest Waning

16. (U) The courtroom was sparsely populated this past week. The MDC mobilized a group of 30 or so female members aged 45 to 60 to attend the trial to show support. They were present for at least two days. If it weren't for these women, the lower gallery would have been half full. The upper gallery was empty. The press area had no more than 7 reporters present on average.

Comment

17. (C) Tara Thomas made for a refreshing change from Ben-Menashe. The pace of the trial picked up considerably without the frequent adjournments caused by Ben-Menashe's diatribes. While Thomas was not necessarily more credible than Ben-Menashe, she appeared much more calm and less combative. This could help create a sense that she is more believable, regardless of the substance of her testimony. The court continued to allow the prosecution's witness unusual latitude and did not seem to be enforcing any acknowledged rules of evidence. End Comment.
SULLIVAN